

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Victor Manuel Saucedo,

Defendant.

CR-00-79-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 1, 2016. (Doc. 100.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 27, 2016. (Doc. 95.) Saucedo admitted that he violated conditions of his supervised release. The violations are serious and warrant revocation of Saucedo's supervised release.

Judge Johnston recommends that this Court revoke Saucedo's supervised release and that the Court sentence Saucedo to four months imprisonment on

Count I and four months imprisonment on Count II, to run concurrently. Judge Johnston further recommends that Saucedo be placed on supervised release for a term of 24 months on Count I and 24 months on Count II, to run concurrently. (Doc. 100 at 6.) Judge Johnston also recommends that the United States Probation Office request Saucedo be transferred to the Eastern District of Washington for supervision.

Saucedo's criminal history category is IV, the current violation grade is a Grade C. Saucedo's underlying offenses consist of Class A and Class C felonies. Saucedo could be incarcerated for up to 58 months on Count I and 22 months on Count II according to the statutory range. Saucedo could be ordered to remain on supervised release for 58 months on Count I and 33 months on Count II, less any custody time imposed. The United States Sentencing Guidelines call for six to 12 months in custody.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. Saucedo's violations of his conditions prove to be a serious breach of the Court's trust. A sentence of four months of imprisonment on Count I and four months of imprisonment on Count II to run concurrently, with a term of supervised release of 24 months on Count I and 24 months on Count II, to run concurrently should be sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 100) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Victor Manuel Saucedo shall be sentenced to **four (4) months imprisonment** on Count I and **four (4) months imprisonment** on Count II, to run concurrently. The term of custody shall be followed by **twenty four (24) months of supervised release** on Count I and **twenty four (24) months of supervised release** on Count II, to run concurrently.

IT IS FURTHER ORDERED that United States Probation Office shall request Saucedo be transferred to the Eastern District of Washington for supervision.

DATED this 16th day of February, 2016.



Brian Morris
United States District Court Judge